

IC 34-35-3

Chapter 3. Change of Venue in Specific Circumstances

IC 34-35-3-1

Multiple plaintiffs or defendants

Sec. 1. (a) This section applies if there are multiple plaintiffs or multiple defendants in a civil action.

(b) There shall be allowed only one (1) change of venue from the county to all plaintiffs and one (1) change of venue from the county to all defendants.

(c) If a plaintiff files a change of venue from the county, all plaintiffs shall be considered the moving party, and all of the defendants shall be considered the nonmoving party. If the defendants file the change of venue from the county, all of the plaintiffs shall be considered the nonmoving party, and all of the defendants shall be considered the moving party. If there are multiple parties that constitute either the moving party or the nonmoving party, the decision of the majority of such parties is final as to naming the two (2) counties and as to the striking of one (1).

(d) If there is no majority agreement as to the naming of the two (2) counties between the nonmoving parties, the suggested counties shall be submitted to the court by the nonmoving parties and the court shall select the two (2) counties from the list to be named.

(e) If there is no majority agreement between the moving parties as to which county shall be struck, the clerk shall do the following:

- (1) Place each named county on similar unidentifiable slips of paper.
- (2) Place the slips of paper in a suitable container.
- (3) Draw the name of one (1) county from the container without prior identification.

Both parties shall be given an opportunity to be present at the drawing of the name. The clerk shall then strike the name of the county that appeared on the slip of paper so that the action shall then be venued to the remaining named county.

As added by P.L.1-1998, SEC.31.

IC 34-35-3-2

Decedent's estate; change of judge or venue authorized

Sec. 2. (a) This section applies in any action, proceeding, or matter, of any character or nature whatever, relating to, connected with, or involving the estate of a decedent.

(b) Except as provided in subsection (c), any of the parties to the action, proceeding, or matter are entitled to:

- (1) a change of judge; or
- (2) a change of venue from the county;

for the same reasons, and upon the same terms and conditions, upon which there may be a change of judge or a change of venue from the county in any civil action.

(c) This section does not authorize:

- (1) a change of venue from the county of the administration of

the estate of a decedent; or
(2) a change of venue from the county upon the exceptions to
the final report of an administrator or executor;
and there shall be no change of venue from the county upon
exceptions to the final report of an administrator or executor.
As added by P.L.1-1998, SEC.31.

IC 34-35-3-3

Nonjury cases; applications and affidavit

Sec. 3. (a) This section applies when any matter of a civil,
statutory, or equitable nature not triable by a jury is pending.

(b) The judge before whom the cause is pending shall change the
venue upon the application of either party to the cause, made upon
affidavit, of either party or the party's attorney, showing any one (1)
or more of the reasons named in the Indiana statutes authorizing
changes of venue from the judge in civil actions.

(c) The presiding judge shall appoint a special judge to hear such
cause in the manner provided by law for changes of venue in civil
actions.

As added by P.L.1-1998, SEC.31.